THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.6615 of 2002

Dated:04.07.2007

Between
Teegala Somaiah.

..Petitioner.

and

The Assistant Engineer (Operations) Warangal District and another.

..Respondents.

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W.P.No.6615 of 2002

ORDER:

The petitioner is resident of a village by name Chilakamma Nagar of Warangal District. He filed this writ petition with a prayer to direct the 1st respondent to extend the electric power supply to his village, and to declare the objection raised by the 2nd respondent in this regard, as illegal, arbitrary and unconstitutional. The petitioner contends that about 1000 persons are residing in the village, a school is established, and though the electric lines have drawn up to the village, the power supply is not being released.

The 2nd respondent filed a counter-affidavit. It is stated that the residents of some neighbouring villages have encroached into the reserve forest and he objected to the efforts being made by the 1st respondent to provide electric supply.

Heard the learned counsel for the petitioner, learned Standing Counsel for the 1st respondent and the learned Government Pleader for Forests.

It is not the case of the petitioner that the place, where

houses are said to have been constructed, is a notified revenue village. The averment in the counter affidavit filed by the 2nd respondent that certain houses have brought about over the land, which is part of reserve forest, is not controverted.

Even assuming that several persons are residing at the area in question, any direction given by this Court to extend power supply would only amount to encouraging the illegal occupation and physical possession of the reserve forest. Unless the petitioner has constructed the house in his patta land or the land assigned by the Government, the 1st respondent cannot be supposed to extend the power supply. As regards the lands over which the houses are constructed, if the forest department regularizes the occupation of the residents, the 1st respondent can be directed to extend the power supply.

For the foregoing reasons, the Writ Petition is dismissed. It is, however, made clear that in case the occupation of the petitioner and other residents of the village in question is regularized by the forest department, the 1st respondent shall consider the feasibility of extending power supply duly obtaining no objection from the 2nd respondent. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

Dated:04.07.2007

sj